

Remarks

Claims 14-19 are currently pending. Applicants respectfully request reconsideration in view of the amendments above.

112 Rejections

The term “about” has been removed from the claims. Furthermore, the elements of claim 14 are now written as active steps. Therefore, these 112 rejections may be withdrawn. Furthermore, claim 14 specifies a set of factors to be determined and then specifies that a function is applied that specifies a predetermined number upon application of the factors, where specific values for the factors results in a predetermined number of 45,000 and other values for the factors results in a predetermined number of 1,500,000. Applicants assert that the specific formulation is not necessary for the claim to be definite so long as the factors to be considered are specified concretely along with a concrete result. Claim 14 provides concrete factors and a concrete result such that one of skill in the art can determine that when those factors are present, is the row count being purged equal to that of the claim such that the claim is definite. Therefore, Applicants assert that this 112 rejection may also be withdrawn.

103 Rejections

Claims 14-19 stand rejected under 35 USC 103(b) as being unpatentable over Groath (US 6,571,285) in view of Dempsey (US 6,356,917). Applicants respectfully traverse these rejections.

The Examiner has stated that the claims are describing results of a procedure rather than steps of the procedure. Claim 14 recites steps, including determining a predetermined number by performing various sub-steps and expunging the number of rows corresponding to the predetermined number. Thus, the claims are reciting steps of a procedure, not merely results. It is only the function being used to determine the predefined number that is expressed in terms of factors and a particular result of the function for those factors. Applying such a function is not an “arbitrarily chosen number of rows to be deleted” as the factors involved in arriving at the predetermined number are

factors being determined for the current period such that the predetermined number is not simply pulled out of the air.

The Office Action seems to indicate that the factors are irrelevant to a deletion process. With all due respect, it is the factors of the claim that provide for the number of records to be expunged per period of deletion and it is not simply a matter of deleting how ever many records and how often one wishes. The deletion process may be complex, burdensome on resources, and may result in deadlocks that can cause system downtime. Thus, a purge cannot go on forever and cannot be done whimsically. Finding a most appropriate number of records to delete at any given time in accordance with embodiments of the present invention is not simply an arbitrary decision but is a decision based on important factors. Such a decision requires determining the least number of records that can be deleted to minimize deleting potentially important records but without overcoming the database for a given period of time between purge attempts, and the factors provided by recitations of these claims facilitates such a decision to be made so that a delicate balance is achieved.

The Office Action concedes that Groath fails to disclose many elements, but asserts that Dempsey discloses those elements. Applicants respectfully disagree. In the noted citations, Dempsey merely discloses taking actions in general, and only becomes specific regarding generating pages. Dempsey fails to disclose purging a predetermined number of rows. Dempsey fails to disclose determining what the predetermined number is prior to the expunging. Dempsey fails to disclose any of the factors involved in the determining what the predetermined number is as recited in claim 14. Applicants contend that it is woefully inadequate to cite to a reference that discloses some general language and then assert that such general language is in fact disclosure of very specific claim recitations. Otherwise, once a genus is disclosed, a new species could never be patented, but such is simply not the law. Dempsey does not adequately account for the deficiencies in Groath, and as such, claims 14-19 are allowable over the cited combination for at least these reasons.

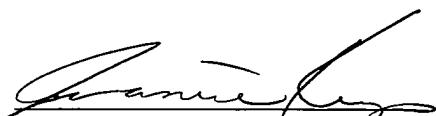
Conclusion

Applicants assert that the application including claims 14-19 is in condition for allowance. Applicants request reconsideration in view of the amendments and remarks above and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due beyond the request for continued examination. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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